IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21615 of 2004

Between:

M/s. Ferro Alloys Corporation Limited, D.P. Nagar, RANDIA - 756

135, District : Bhadrak, Orissa State. Rep. by its Authorised

Signatory - J. Rama Rao

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh,

Hyderabad.
2 The Prohibition and Excise Superintendent, Bobbili, Vizianagaram

District.
3 NCS Sugars Limited, Bobbili, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring that the Respondents 1 and 2 have no jurisdiction to cause any restriction on the transport of Molasses by the Petitioner from Andhra Pradesh State to any other place in the other states in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19(1) (g) of the Constitution of India.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

Petitioner is having a factory in Orissa state. It is stated that one of the raw materials used by it in the manufacture of Ferro Chrome is Molasses. It claims to have purchased the Molasses from various sugar factories in the state of Andhra Pradesh. The complaint of the petitioner is that the respondents are insisting on obtaining permits for transporting the Molasses. The petitioner contends that according to the existing legal reigns, there is no necessity to obtain permits or licenses for transporting the Molasses.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The law governing the purchase and transport of the Molasses was examined by this Court in W.P.No.8136 of 2004 filed by M/s Gauri Industries (Manufacturers of Rectified Spirit). After taking into account the relevant provisions of law as well as the Judgments rendered by this Court on the subject, it was held that no permission or 'NOC' is needed for transportation or movement of Molasses from sugar factories from one destination to another. Several writ petitions have been disposed of in terms of the said Judgment.

In view of the same, the writ petition is disposed of directing that the respondents shall not insist on production of permission or 'NOC' for transporting the Molasses and shall desist from interfering with the activities of the petitioner in transporting the Molasses. No order as to costs.

26.11.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Commissioner of Prohibition and Excise, Andhra Pradesh,

Hyderabad.
2 The Prohibition and Excise Superintendent, Bobbili, Vizianagaram

District.
3 Two CCs. to the G.P. for Prohibition & Excise, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.